

SUPREME COURT OF APPEALS OF WEST VIRGINIA

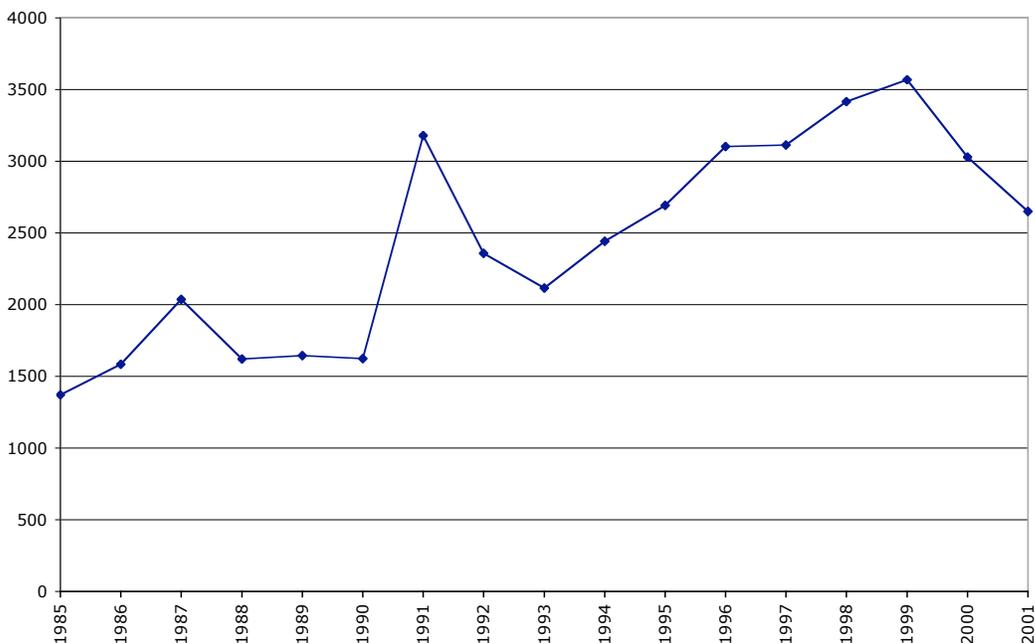
2001 Statistical Report

Case Filings

The total number of new petitions filed in 2001 fell **379** from the previous year, to **2650**. Despite this drop, the number of filings in 2001 remained high in comparison to long-term trends. As the chart below illustrates, last year's filings were nearly double the number of cases filed as recently as 1985.

The decrease in the number new petitions filed in 2001 was due in large measure to a drop in the number of workers' compensation petitions, which fell by **493**, to **1380**. This drop was offset by an increase in the number of filings in two areas: civil appeals and petitions for writs of mandamus. Civil filings rose to **609** for 2001, an increase of **31** over the previous year. The number of mandamus filings also increased substantially; with **245** filings last year, the number of filings in this category is a record high, exceeding by **31** the previous record high, set in 1987.

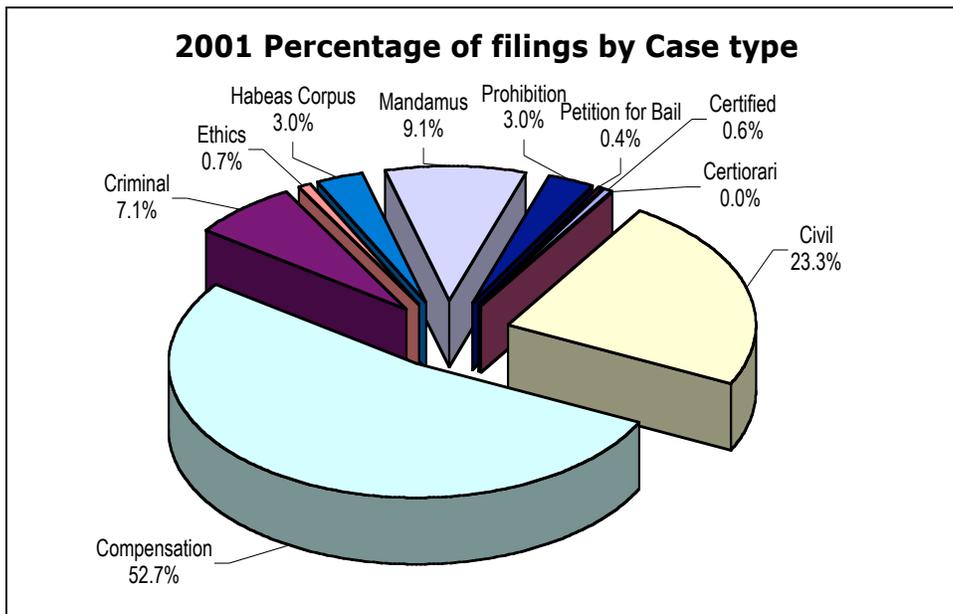
Case Filings 1985 - 2001



Case Filings by Case Type 1985 – 2001

Case Type	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Certified	12	17	23	21	28	29	35	43	34	46	27	30	27	15	19	7	15
Certiorari	10	6	4	2	7	5	4	2	2	7	8	4	5	3	5	3	3
Civil	332	376	422	394	419	426	524	538	536	575	642	646	571	556	519	578	606
Compensation	198	421	841	488	528	481	1947	1075	708	966	1220	1534	1708	2067	2306	1816	1380
Criminal	157	182	176	182	168	183	181	168	165	178	209	234	203	207	232	203	189
Ethics	10	16	20	13	12	17	23	25	27	69	43	33	27	24	27	18	19
Habeas	367	240	200	195	186	171	149	192	319	239	218	265	253	230	118	100	96
Mandamus	181	196	214	183	141	149	179	184	187	173	172	180	164	162	177	199	245
Pet. Bail	24	30	52	47	39	40	20	12	21	30	39	30	24	20	16	19	13
Prohibition	81	101	85	96	116	122	118	118	118	159	114	146	132	131	120	86	84
TOTAL	1372	1585	2037	1621	1644	1623	3180	2357	2117	2442	2692	3102	3114	3415	3539	3029	2650

As the chart above depicts, the case filing rates over the last ten years reflect a steady increase in the number of civil and criminal filings. During the ten-year period from 1991-2000, criminal filings increased by 12%, while civil filings increased 10%.



The overall composition of cases filed in 2001 changed as well. Whereas in previous years workers' compensation appeals made up 60% or more of the total number of new filings, in 2001 compensation cases made up only 52% of all new petitions filed.

The increase in original jurisdiction petitions is consistent with a national trend toward an increase in these types of filings over the past ten years. Original jurisdiction petitions may consist of complex emergency challenges to a trial court ruling, or may be *pro se* challenges to convictions, sentences or conditions of confinement. According to the National Center for State Courts, a likely reason for this increase is "growth in the state prisoner population during

the 1990s and an increase in the number of prisoners serving sentences over five years. “ B. Ostrom, N. Kauder, & R. LaFountain, *Examining the Work of State Courts, 2001: A National Perspective for the Court Statistics Project* (National Center for State Courts 2001) at 84. In fact, mandamus filings reached an all-time record high in 2001, with 245 petitions filed, many by prisoners.

Case Disposition

The number of case dispositions in 2001 far outpaced case filings, as the Court continued to clear the substantial increase in the number of filings over the past two years. The Court disposed of **3703** cases in 2001, using a variety of disposition methods.

Disposition Method	Number Disposed in 2001
Signed Opinion	94
Per Curiam Opinion	97
Petition Refused	1877
Memorandum Order	1323
Dismissed	140
Withdrawn	31
Disposed by Order	141
TOTAL DISPOSITIONS	3703

Despite the drop in workers’ compensation filings, the number of granted workers’ compensation cases disposed by memorandum order rose to **1323**, an increase of **53** from the **1270** cases disposed by memorandum order in 2000. Once again, this reflects clearance of the high number of compensation appeals heard by the Court in the last two years.

The bulk of the Court’s work falls within its appellate jurisdiction. Of the cases disposed in 2001, **370**, or **10%**, involved the Court’s original jurisdiction, **23** cases, or less than **1%**, involved disciplinary matters, leaving **89%** of the cases disposed involving the Court’s appellate jurisdiction. It should be noted, however, that the **10%** figure is often not proportionate to the judicial work required in original jurisdiction matters, where the Court is often requested to act on an expedited basis.

In addition to disposing of cases filed, the Court considered and disposed of **151** pre-petition matters in 2001, a substantial increase over the **113** pre-petition matters disposed in 2000. Pre-petition matters often involve emergent questions for litigants, such as whether a stay should be granted pending appeal.

Another area of increasing activity occurred in the number of petitions for rehearing filed. In 2000, 31 petitions for rehearing were filed. In 2001, that number more than doubled, to 63.

Discretionary Petition Disposition

By narrowing the focus to the disposition of discretionary petitions, rather than the broader area of case disposition, it is possible to determine the percentage of cases granted in several categories. The grant rate is based upon the total number of petitions of a given type considered by the Court in a given year. The chart below sets forth these figures for the past three years: total number of discretionary petitions considered by the Court, and the percentage granted.

Case Type	1999		2000		2001	
	Total	%Granted	Total	%Granted	Total	%Granted
Certified	17	35%	10	60%	16	68.75%
Certiorari	6	67%	4	50%	0	0%
Civil	456	30%	431	28.5%	378	38.62%
Civil – Abuse & Neglect	96	11%	120	.025%	135	4.44%
Compensation	1874	51%	2298	65%	2211	50.84%
Criminal	234	18%	194	20.6%	187	17.65%
Habeas Corpus	108	.05%	91	.02%	62	3.23%
Mandamus	132	30%	142	39%	165	15.15%
Petition for Bail	16	0%	17	5.8%	14	0%
Prohibition	113	27%	85	26%	69	26.09%
TOTAL	3063	40.5%	3403	51.6%	3237	42.17%

Most notable is an increase in the percentage of civil appeals granted, up more than 10 percentage points over the prior year, to nearly 39%. Given the large number of compensation filings, the 50% grant percentage in that category has a significant impact on the overall percentage of cases granted. If compensation petitions are excluded, the Court's overall percentage of petitions granted is 23%. This is in contrast to the percentage granted in most other states. State supreme courts nationwide granted about 13% of the discretionary petitions filed in 2001.

Caseload Comparison with Comparable Courts

The steady increase of filings in West Virginia is consistent with the increase of filings nationally over the second half of the twentieth century. In response to the steady increase in filings, the number of states with intermediate

appellate courts (“IAC”) has tripled in the same time period; 13 states had IACs in 1950, compared with 40 states in 2000. In the past decade, Mississippi, Nebraska, North Dakota, and Utah have created IACs, despite having caseloads smaller than that of West Virginia.

No other comparable appellate court in the country handles as many cases as this Court. The most recent (2000) data from the National Center for State Courts confirms this Court’s position as the busiest appellate court of its type in the country. In 2000, West Virginia’s caseload was more than 1.5 times that of the next busiest state, Nevada, and more than the states of Delaware, Maine, North Dakota and Rhode Island combined.

The chart below illustrates the comparable caseload figures for 2000 across the states without an intermediate appellate court. Other measures appearing in the chart, such as the number of cases filed per judge and per 100,000 population, are used to compare judicial workloads across diverse jurisdictions.

	Appeals per 100,000 population	Total Filings	Percent Mandatory	Percent Discretionary	Disposed by Opinion	Number of opinions/judge
Delaware	84	656	100	-	58	12
Maine	55	442	63	37	220	31
Montana	96	868	67	33	276	39
Nevada	90	1803	100	-	141	20
New Hampshire	67	834	-	100	124	25
North Dakota	55	350	95	5	246	49
Rhode Island	51	535	70	30	196	39
South Dakota	58	438	90	10	185	37
Vermont	94	572	95	5	168	34
West Virginia	168	3029	-	100	189	38
Wyoming	74	364	100	-	NA	NA

Data obtained from B. Ostrom, N. Kauder, & R. LaFountain, *Examining the Work of State Courts, 2001: A National Perspective for the Court Statistics Project* (National Center for State Courts 2001).